

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

PLANNED PARENTHOOD SOUTH ATLANTIC, <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
)	Case No. 1:23-cv-00480-CCE-LPA
v.)	
)	
JOSHUA STEIN, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs Planned Parenthood South Atlantic and Beverly Gray, M.D., hereby move, pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, for a temporary restraining order and preliminary injunction enjoining enforcement of the entirety of Part I and the hospitalization requirement (to be codified at N.C. Gen. Stat. § 90-21.82A) of Part II¹ of North Carolina Session Law 2023-14 (“S.B. 20” or “the Act”), the relevant provisions of which, without the relief requested in this motion, will take effect on July 1, 2023.

A temporary restraining order and a preliminary injunction are justified and supported by the facts and authorities set forth in the accompanying Memorandum of Law and the Declaration of Katherine Farris, M.D., in support of this Motion, which show that Plaintiffs meet all of the elements required for preliminary injunctive relief: (1) Plaintiffs

¹ It is unclear whether section 90-21.82A takes effect on July 1, 2023, or October 1, 2023. If this provision does not take effect until October 1, 2023, Plaintiffs move only for a preliminary injunction and not a temporary restraining order on this provision.

are likely to prevail on the merits of their Due Process, Equal Protection, and First Amendment claims as set out in their complaint; (2) Plaintiffs and their patients will suffer irreparable injury without the injunction; (3) the injury to Plaintiffs and their patients outweighs any injury the injunction will cause the Defendants; and (4) an injunction furthers the public interest. A temporary restraining order is particularly warranted to preserve the status quo while the Court reviews the issues raised in this case and is necessary to prevent health risks for North Carolinians in need of abortion care as well as to minimize confusion for patients, providers, and people who wish to assist others in obtaining abortions.

Plaintiffs respectfully request that this Court immediately grant the temporary restraining order requested and grant them the opportunity to present oral argument in support of a preliminary injunction. Oral argument is warranted due to the important constitutional concerns raised by the motion and the imminent irreparable harm faced by the Plaintiffs and their patients seeking abortions if injunctive relief is not granted.

Pursuant to Fed. R. Civ. P. 65(b), counsel certify that they emailed counsel for Defendants at approximately 9:45 a.m. today, June 21, 2023, to notify them of Plaintiffs' intent to file this Motion today. Promptly upon filing, they will also send, via email to the same counsel, copies of this motion and accompanying filings.

Dated: June 21, 2023

Respectfully submitted,

s/ Peter Im

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**Special appearance filed*

CERTIFICATE OF SERVICE

I hereby certify that, on June 21, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing, and will also serve this motion on counsel for Defendants via email, as well as via certified U.S. mail at the addresses listed below if Defendants' counsel has not agreed to email-only service:

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